Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-23 are pending in the application, with 1, 3, 5, 8, 14, 16, 18 and 20 being the independent claims. Claims 1, 3, 5, 8, 14, 16, 18 and 20 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112 and Allowable Subject Matter

The Examiner has rejected claims 20-23 under 35 U.S.C. § 112, second paragraph as being indefinite. (See Office Action, page 5). Furthermore, the Examiner has stated that claims 20-23 would be allowable if rewritten or amended to overcome this rejection. (See Office Action, page 18).

The Examiner has rejected claim 20 as being indefinite under 35 U.S.C. § 112, second paragraph because the Examiner has alleged that the relationship between the application and the application graph is not clearly defined in the claim. The Examiner has additionally provided a suggestion for amending claim 20 to overcome this rejection. The Examiner has further rejected claims 21-23 as being indefinite because they depend upon claim 20.

Without acquiescing to the propriety of the Examiner's rejection, Applicants have amended claim 20 as suggested by the Examiner to overcome this rejection under 35 U.S.C. § 112, second paragraph. Therefore, Applicants respectfully submit that claim 20 is in condition for allowance. Furthermore, Applicants respectfully submit that claims 21-23 are in condition for allowance since they no longer depend upon an allegedly indefinite claim. Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claims 20-23, and allowance thereof.

Rejections under 35 U.S.C. § 103

In the Office Action, the Examiner has rejected claims 1-19 under 35 U.S.C. § 103 as allegedly being non-obvious over two or more of the following documents:

1. U.S. Patent 6,578,197 to Peercy *et al* ("Peercy");
2. U.S. Patent 6,502,238 to Pavan *et al.* ("Pavan");
3. U.S. Patent 6,584,489 to Jones *et al.* ("Jones"); and
4. U.S. Patent 5,857,106 to Barbour *et al.* ("Barbour").

Although the Applicants respectfully disagree, Applicants believe these rejections are invalid and/or moot in light of the above amendments.

Applicants further note that significant technical differences exist between the claimed invention and the applied references. Neither Peercy nor Pavan, taken alone or in combination, suggest or teach the claimed invention.

Peercy relates to translating procedural shading language instructions from one graphics API (such as Renderman) to another graphics API (such as OpenGL or Direct3D). (See Peercy, Abstract). Pavan relates to translating a user program to create program fragments whereby each program fragment can be loaded on one of several

computers on a network to produce a distributed application. (See Pavan, Abstract, FIG. 7A and 7B). Both Peercy and Pavan are related to translation technologies or *compile-time* technologies.

Unlike Pavan or Peercy, alone or in combination, Applicants' invention, for example, allows the execution of an application to be modified or changed while the application itself is executing. The Examiner's citation to Pavan at column 12, lines 1-13 and column 8, line 51 to column 9, line 9, for example, does not teach this run-time aspect of the Applicant's invention and merely refers to the process for translating a user program to a system-level program. Pavan does not teach or suggest dynamically modifying or changing the system-level program while the system-level program is executing at run-time.

Jones and Barbour fail to overcome the deficiency of Pavan and Peercy, alone or in combination. Therefore, Applicants respectfully submit that claims 1-19 are patentable over Pavan, Peercy, Jones, and Barbour, alone or in combination.

Further, the Examiner has not provided a suggestion or motivation to combine two or more of the cited documents, Peercy, Pavan, Jones, and Barbour, to establish a *prima facie* case of obviousness to reject one or more of the claims 1-19 under 35 U.S.C. § 103(a). The Examiner has merely made a conclusion about what may be provided through a combination of two or more of the cited documents. The Examiner has not provided any evidence to support the conclusion that one skilled in the art would have been motivated to combine two or more of the cited documents. If the evidence is found in the references themselves, Applicants request that the Examiner clearly indicate such evidence.

Without support or evidence, the Examiner is merely using impermissible hindsight to arrive at the claimed invention. Applicants refer to the Examiner's citation to *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In both cases, the Federal Circuit overturned an obviousness rejection asserted by an examiner because the examiner failed to provide any evidence or support of a teaching or of a knowledge generally available to one of ordinary skill in the art that would have led that individual to combine the references. For example, the examiner in *In re Jones* combined several references to make an obviousness rejection against a claim for an ethanol salt. In reversing the examiner's obviousness rejection, the Federal Circuit noted, "conspicuously missing from this record is any evidence, other than the PTO's speculation (if it be called evidence) that one of ordinary skill in the herbicidal art would have been motivated to make the modifications of the prior art salts necessary to arrive at the claimed ... ethanol salt." (See *In re Jones*, at 351). Without support or evidence, the Examiner is merely speculating as to why someone might combine two or more of the cited documents.

Claims 1-8, 10, 11 and 16-19

The Examiner has rejected claims 1-8, 10, 11 and 16-19 under 35 U.S.C. § 103(a) as being unpatentable over Peercy in view of Pavan. (See Office Action, page 6). Although the Applicants respectfully disagree, Applicants believe these rejections are invalid and/or moot in light of the above amendments.

For the Examiner's convenience, independent claim 1 as amended is recited below.

> 1. A method for supporting development of content independent of a run time platform, comprising the steps of:
> storing processing blocks that define content; and
> storing an application graph that expresses the identity of the stored processing blocks and data connectivity between the stored processing blocks;
> wherein the application graph can be traversed by a graphical application platform at run time to execute appropriate processing blocks on a run time platform, and
> **wherein an execution of at least one of the appropriate processing blocks can cause the application graph to be modified by the graphical application platform.**

Peercy and Pavan, alone or in combination, do not teach or suggest each and every element, limitation, and/or feature of amended claim 1. For example, Peercy and Pavan, alone or in combination, do not teach or suggest "wherein an execution of at least one of the appropriate processing blocks can cause the application graph to be modified by the graphical application platform." Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1, and allowance thereof.

Claim 2 depends from independent claim 1 and is patentable for at least the reasons stated above, in addition to the elements, limitations, and/or features recited therein. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 2, and allowance thereof.

Peercy and Pavan, alone or in combination, do not teach or suggest each and every element, limitation, and/or feature of amended claim 3. For example, Peercy and Pavan, alone or in combination, do not teach or suggest "traversing the application graph at run time, including executing appropriate processing blocks on the selected target

hardware platform, and modifying the application graph as a result of executing at least one of the appropriate processing blocks." Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 3, and allowance thereof.

Claim 4 depends from independent claim 3 and is patentable for at least the reasons stated above, in addition to the elements, limitations, and/or features recited therein. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 4, and allowance thereof.

Peercy and Pavan, alone or in combination, do not teach or suggest each and every element, limitation, and/or feature of amended claim 5. For example, Peercy and Pavan, alone or in combination, do not teach or suggest "said graphical application platform comprising ... wherein the application real time kernel can modify the connections between said blocks at run time as a result of executing at least one of said blocks." Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 5, and allowance thereof.

Claims 6 and 7 depend from independent claim 5 and are patentable for at least the reasons stated above, in addition to the elements, limitations, and/or features recited therein. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 6 and 7, and allowance thereof.

Peercy and Pavan, alone or in combination, do not teach or suggest each and every element, limitation, and/or feature of amended claim 8. For example, Peercy and Pavan, alone or in combination, do not teach or suggest "wherein the application real time kernel can modify the connections between said blocks at run time as a result of

executing at least one of said blocks." Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 8, and allowance thereof.

Claims 10 and 11 depend from independent claim 8 and are patentable for at least the reasons stated above, in addition to the elements, limitations, and/or features recited therein. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 10 and 11, and allowance thereof.

Peercy and Pavan, alone or in combination, do not teach or suggest each and every element, limitation, and/or feature of amended claim 16. For example, Peercy and Pavan, alone or in combination, do not teach or suggest "wherein an execution of at least one of the appropriate processing blocks can cause the application graph to be modified by the graphical application platform." Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 16, and allowance thereof.

Claim 17 depends from independent claim 16 and is patentable for at least the reasons stated above, in addition to the elements, limitations, and/or features recited therein. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 17, and allowance thereof.

Peercy and Pavan, alone or in combination, do not teach or suggest each and every element, limitation, and/or feature of amended claim 18. For example, Peercy and Pavan, alone or in combination, do not teach or suggest "means for traversing the application graph at run time, including executing appropriate processing blocks on the selected target hardware platform, and modifying the application graph as a result of executing at least one of the appropriate processing blocks." Therefore, Applicants

respectfully request reconsideration and withdrawal of the rejection of claim 18, and allowance thereof.

Claim 19 depends from independent claim 18 and is patentable for at least the reasons stated above, in addition to the elements, limitations, and/or features recited therein. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 19, and allowance thereof.

Claim 9

The Examiner has rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Peercy in view of Pavan and further in view of Jones. (See Office Action, page 14). Although the Applicants respectfully disagree, Applicants believe this rejection is invalid and/or moot in light of the above amendments.

Claim 9 depends from independent claim 8 and is patentable for at least the reasons stated above, in addition to the elements, limitations, and/or features recited therein. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 8, and allowance thereof.

Claim 12

The Examiner has rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Peercy in view of Pavan and further in view of Barbour. (See Office

Action, page 15). Although the Applicants respectfully disagree, Applicants believe this rejection is invalid and/or moot in light of the above amendments.

Claim 12 depends from independent claim 8 and is patentable for at least the reasons stated above, in addition to the elements, limitations, and/or features recited therein. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 12, and allowance thereof.

Claim 13

The Examiner has rejected dependent claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Peercy in view of Pavan in view of Barbour and further in view of Jones. (See Office Action, pages 15-16). Although the Applicants respectfully disagree, Applicants believe this rejection is invalid and/or moot in light of the above amendments.

Claim 13 depends from claim 12 which depends from independent claim 8 and is patentable for at least the reasons stated above, in addition to the elements, limitations, and/or features recited therein. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 13, and allowance thereof.

Claims 14 and 15

The Examiner has rejected claims 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Peercy in view of Barbour. (See Office Action, page 16). Although the Applicants respectfully disagree, Applicants believe these rejections are invalid and/or moot in light of the above amendments.

For the Examiner's convenience, independent claim 14 as amended is recited below.

> 14. A method of executing a feature for a graphics application with respect to a predefined hardware platform, comprising the steps of:
>
> a) selecting from among a set of alternative implementations of a feature;
>
> b) mapping at least one block, corresponding to the selected implementation, to a phase of execution;
>
> c) mapping the phase of execution to a stage of execution;
>
> d) creating a block execution order list corresponding to the stage of execution; and
>
> e) submitting the stage of execution to an application real time kernel for management of execution of the stage, **wherein the execution of the stage may cause an additional feature to be executed following the steps of (a)-(e).**

Peercy and Barbour, alone or in combination, do not teach or suggest each and every element, limitation, and/or feature of amended claim 14. For example, Peercy and Barbour, alone or in combination, do not teach or suggest "wherein the execution of the stage may cause an additional feature to be executed following the steps of (a)-(e)."

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 14, and allowance thereof.

Claim 15 depends from independent claim 14 and is patentable for at least the reasons stated above, in addition to the elements, limitations, and/or features recited therein. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 15, and allowance thereof.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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